

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 14209 of 2004

Between:

Ch.Brahmanandam, S/o.Mohan Rao, F.P.Shop Dealer of Shop No.38
R/o.Idupulapadu village, Inkollu Mandal, Prakasam Dist.

..... PETITIONER

AND

1. The Joint Collector, Prakasam Dist. at Ongole.
- 2 The Revenue Divisional Officer, Ongole, Prakasam Dist.
- 3 The Mandal Revenue Officer, Inkollu Mandal, Prakasam Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus, declaring the action of the 1st respondent in not disposing of the appeal as directed by this Hon'ble Court and consequently direct the respondents not to give effect to the order of the 2nd respondent made in Rc.No.C-829/2004, dated 15-7-2004.

Counsel for the Petitioner: MR. M.RAMA NARASIMHULU

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following:

ORDER:

Petitioner is an authorised dealer in respect of the Fair Price Shop No.38 of Iduplulapadu village, Inkollu Mandal, Prakasam District. His authorisation was suspended by the Revenue Divisional Officer by proceedings dated 15.07.2004, pending enquiry into certain alleged irregularities. It appears that a show-cause notice was also served on the petitioner and the petitioner has submitted his explanation. Aggrieved by the orders of suspension, the petitioner preferred an appeal before the Joint Collector, Prakasam District, first respondent herein, along with an application seeking stay of the impugned order of suspension. He filed W.P.No.13389 of 2004 contending that the first respondent has not considered his application for stay and in the meanwhile, he is not allowed to distribute the essential commodities to the cardholders. The said writ petition was disposed of by this Court by order dated 30.07.2004, directing the first respondent to consider the application for stay and pass appropriate orders in accordance with law within a period of two weeks and that in the meanwhile the petitioner shall be allowed to distribute the essential commodities till the application for stay is disposed of. Thereafter, the

petitioner filed this writ petition aggrieved by the order of the Joint Collector dated 03.08.2004, whereunder the request of the petitioner for stay of the order of suspension dated 15.07.2004, was rejected.

By order dated 13.08.2004, this Court while granting time to the learned Government Pleader for Civil Supplies to obtain instructions, granted interim suspension of the order dated 15.07.2004 for a period of two weeks. Today, when the matter is taken up for consideration, it is brought to my notice by the learned Government Pleader that in pursuance of the order of suspension dated 15.07.2004, a temporary dealer has already been appointed and the said temporary dealer has been released the commodities for the Month of August, 2004. The learned counsel for the petitioner also states that in view of the said fact, the order of this Court dated 13.08.2004 has not been implemented.

Having regard to the facts and circumstances of the case and particularly keeping in view of the fact that the statutory appeal is pending before the first respondent, without going into the merits of the case, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to dispose of the appeal pending on his file as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order after affording due opportunity to all the parties concerned.

Accordingly, the writ petition is disposed of. No costs.

24.08.2004

Note: Furnish CC in three days

(b/o)

VGB

To

- 1 The Joint Collector, Prakasam Dist. at Ongole.
- 2 The Revenue Divisional Officer, Ongole, Prakasam Dist.
- 3 The Mandal Revenue Officer, Inkollu Mandal, Prakasam Dist.

4 2CCs to the Government Pleader for Civil Supplies, High Court

Buildings, Hyderabad (OUT)

5 2CD copies